

REMARKS

By this amendment, claims 1, 5-9, 13 and 18-20 have been amended. Claims 1-20 remain in the application. Support for the amendments can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is respectfully requested.

Rejection under 35 U.S.C. §101

Claims 1-17 were rejected to under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention. As presented herein, claims 1 and 13 have been amended, as appropriate, wherein the claimed method steps are tied to and accomplished by a particular apparatus, i.e., a receiver, and thus now renders the same as falling within one of the four statutory categories of invention. With respect to claim 1, a digital transmissions receiver performs the steps of receiving and assigning. With respect to claim 13, a digital transmissions receiver performs the steps of receiving, determining and assigning. The 35 U.S.C. §101 rejection of claims 1 and 13, as well as claims (2-12) and (14-17) which depend respectively there from, is now believed overcome. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §102

CLAIM 1

Claim 1 recites a method for providing channel numbers to channels of programs in multiple digital data transmissions received via a digital transmissions receiver, comprising:

receiving at least one domestic digital data transmission and at least one foreign digital data transmission via the receiver, wherein the at least one domestic digital data transmission and the at least one foreign digital data transmission include logical channel number data for channels of programs therein;

assigning, via the receiver, channel numbers for the channels of programs in the at least one domestic digital data transmission according to the logical channel number data therein at a lower range of an available range of channel numbers of the receiver; and

assigning, via the receiver, channel numbers for the channels of programs in the at least one foreign digital data transmission that are in a higher range of the available range than the channel numbers for the channels of programs in the at least one domestic digital data transmission, wherein the channel numbers in the higher range are assigned starting at the end of the available range and counting back towards the lower range.

As presented herein, Claim 1 now more clearly articulates the novel and non-obvious distinct features thereof, as discussed below. Support for the amendments to claim 1 (as well as for amendments to claims 5-9, 13 and 18-20) can be found in the specification on at least page 4, lines 1-3; and page 5, lines 11-13 and 19-23, as originally filed.

Claims 1-3, 5-6, 9-16 and 18-20 were rejected under 35 U.S.C. §102(b) as being anticipated by **Marnix Vlot** (WO 01/28093 A1). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that
"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the **Marnix Vlot** reference must contain all of the above claimed elements of the respective claim. However, contrary to the examiner's position that all elements are disclosed in the **Marnix Vlot** reference, the latter reference does not disclose "assigning, via the receiver, channel numbers for the channels of programs in the at least one foreign

digital data transmission that are in a *higher range* of the *available range* ... assigned starting at the end of the *available range* **and counting back** towards the lower range" [*emphasis added*] as is claimed in claim 1. Therefore, the rejection is not supported by the **Marnix Vlot** reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-3, 5-6 and 9-12 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 13, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 13 is believed allowable over the **Marnix Vlot** reference for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 13 is allowable and an early formal notice thereof is requested. Claims 14-16 depend from and further limit independent claim 13 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 18, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 18 is believed allowable over the **Marnix Vlot** reference for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 18 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 19, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 19 is believed allowable over the **Marnix Vlot** reference for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 19 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 20, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 20 is believed allowable over the **Marnix Vlot** reference for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 20 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Rejection under 35 U.S.C. §103

Claims 4, 8 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Marnix Vlot** (WO 01/28093 A1). Applicant respectfully traverses this rejection for at least the following reason.

With respect to claims 4 and 8, the same depend from and further limit independent claim 1 and therefore are allowable as well. Claim 17 depends from and further limits allowable independent claim 13 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 13 and 18-20 are in condition for allowance. Claims 2-12 depend from and further limit independent claim 1 and therefore are allowable as well. Claims 14-17 depend from and further limit independent claim 13 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-20 is requested.

Respectfully submitted,

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